

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

UNITED STATES OF AMERICA

CASE NO. 6:20-CR-00077-01

VERSUS

JUDGE ROBERT R. SUMMERHAYS

SHAUN J LABBE (01)

**MAGISTRATE JUDGE CAROL B.
WHITEHURST**

ORDER

Presently before the Court is the Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. §2255 [ECF No. 93] filed by defendant, Shaun Labbe. Defendant executed a plea agreement in which he pleaded guilty to conspiracy to distribute narcotics on February 17, 2021.¹ Following a hearing on the plea agreement, the Court accepted the guilty plea and adjudged Mr. Labbe guilty of conspiracy to distribute narcotics pursuant to 21 U.S.C. §846.² A judgment was subsequently entered sentencing Mr. Labbe to imprisonment of 210 months, followed by a term of supervised release of 5 years.³ Mr. Labbe appealed his sentence⁴ and the appeal was subsequently dismissed as frivolous.⁵ Mr. Labbe argues that the Court incorrectly calculated the guidelines based upon the quantities of narcotics which were set forth in the Presentence Investigation Report.⁶ The Court notes however that Defendant did not object to the Presentence Investigation Report in any respect. Further, Defendant acknowledged the quantities of narcotics

¹ ECF Document 69.

² See ECF Document 67.

³ ECF Document 87.

⁴ ECF Document 89.

⁵ ECF Document 92.

⁶ ECF Document 81.

in Stipulated Factual Basis for Guilty Plea⁷ which was filed in support of his guilty plea and which was acknowledged in open court during the guilty plea hearing.

The Court has reviewed the Defendant's Motion, as well as the entire record of the proceeding, and finds that the Motion and records of the case conclusively show that the Defendant is entitled to no relief. Accordingly,

IT IS ORDERED THAT the Motion to Vacate, Set Aside, or Correct Sentence Under 28 U.S.C. §2255 [ECF No. 93] filed by defendant is DENIED.

THUS DONE in Chambers on this 27th day of September, 2022.

A handwritten signature in black ink, appearing to read 'R. Summerhays', is written above a horizontal line.

ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE

⁷ ECF Document 69-2.